

PROBATE

1

EMERGENCY AUTHORITY FOR FUNERAL AND BURIAL ARRANGEMENTS

(Application for Emergency Appointment
of “Special Administrator”)

(Forms and Instructions)

SELF-SERVICE CENTER

**FORMAL PROBATE APPLICATION FOR EMERGENCY
APPOINTMENT
OF SPECIAL ADMINISTRATOR
(for Funeral and Burial Arrangements)**

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ Someone has died and there is no living spouse, no court-appointed Personal Representative of the Estate (executor), or other person currently authorized or immediately available to make necessary funeral and burial or other arrangements for disposition of the remains, and
- ✓ You want to be appointed “Special Administrator” with authority to make urgent funeral and disposition arrangements ONLY, and
- ✓ You do not want to be appointed “Personal Representative” (commonly known as “executor”) of the Estate at this time.

NOTE: There is a filing fee for this request.

- You may apply to have this fee deferred (to pay later), or waived (to not pay at all).
- If appointed, you are entitled to reimbursement *from the estate* (if funds available) for reasonable expenses incurred in performing the duties of “Special Administrator”, including this filing fee.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

SELF-SERVICE CENTER

**APPLICATION FOR
EMERGENCY APPOINTMENT OF
“SPECIAL ADMINISTRATOR”
(for funeral arrangements)**

This packet contains court forms and instructions to file an emergency request for the formal appointment of a “Special Administrator” when there is no living spouse of the deceased or other person currently authorized or immediately available to make urgent funeral arrangements. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO APPLY FOR EMERGENCY APPOINTMENT AS SPECIAL ADMINISTRATOR FOR FUNERAL ARRANGEMENTS

These are the steps to ask the Court to make an **emergency** appointment of a “**Special Administrator**” with authority to make arrangements for handling the remains of a deceased person when no one has yet been appointed as “Personal Representative” (executor) of the estate.

This is an emergency request to be given authority to make decisions and arrangements without advance notice to other parties who would otherwise be entitled to know about it ahead of time. **This is a serious matter and the Court will not grant this request unless it is satisfied this is an urgent situation.**

1. **Complete All Forms:** Fill out all the forms completely and in **black ink except for those portions for Court use**. You will need to complete all or part of the following forms:

- **PROBATE COVER SHEET.**
- **APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR.**
- **LETTERS OF APPOINTMENT AND ACCEPTANCE OF APPOINTMENT.**
- **ORDER APPOINTING SPECIAL ADMINISTRATOR.**

“PROBATE COVER SHEET”

- Leave “Case Number” *blank*. The Court will supply a case number when you file the papers.
- Write in the information requested about the person who died (the decedent), and the person who is applying to be appointed Special Administrator (called “Petitioner” on this form).
- Leave “Reason Fees Not Paid” and “Court Location Requested” *blank* for Court use.
- Under “Nature of Action”, under Section 200 for “Estates”, check the box next to **210** for “**OTHER**”, and write in “Emergency Special Administrator” (which you may abbreviate to “Emergency Special Admin”).
- Sign your name on page 2 (No other information is required on page 2 for this process).

“APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR”

Read this form and write in the information requested. Signing and filing this form is a statement to the Court that the information you have supplied is true and correct, under penalty of perjury.

“LETTERS OF APPOINTMENT” and “ACCEPTANCE OF APPOINTMENT” (both on 1 page).

- Write in only the name of the person who died and the name of the person requesting appointment as Special Administrator.
- Leave the date and signature spaces under “Letters of Appointment” **blank** for Court use.
- You will **later** need to sign at the bottom of the form *under “Acceptance of Appointment”*.
- Do not sign until you are in the presence of a Clerk of the Court or a Notary Public.

“ORDER APPOINTING SPECIAL ADMINISTRATOR”

- Write in only the name of the person who died and the name of the person to be appointed as Special Administrator.
- Leave the date and signature spaces blank for Court use only.

WHAT TO DO NEXT, AFTER YOU HAVE COMPLETED ALL FORMS:

Go to the “PROCEDURES” page, the last document in this packet, and follow the steps listed concerning the number of copies to be made, filing your papers, and getting your Court Order.

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

FOR CLERK'S USE ONLY

PROBATE INFORMATION COVER SHEET

Case Number: PB _____

A person needing a guardian or conservator is the "ward". A person who died is the "decedent".

INFORMATION ABOUT THE WARD or THE DECEDENT

NAME: _____		DATE OF BIRTH: _____	
MAILING ADDRESS : _____			
STREET ADDRESS (if different): _____			
TELEPHONE (Home): _____		SSN: _____	
TELEPHONE (Cellular): _____		EMAIL: _____	
<input type="checkbox"/> ADDITIONAL WARDS ARE INVOLVED. Information listed separately.			

INFORMATION ABOUT THE PETITIONER, the person filing these papers.

NAME: _____	
MAILING ADDRESS: _____	
TELEPHONE: _____	EMAIL: _____
INFORMATION ABOUT PETITIONER'S ATTORNEY: <input type="checkbox"/> Petitioner is not represented by an attorney, or	
NAME: _____	BAR # _____
TELEPHONE: _____	EMAIL: _____

☐ An INTERPRETER IS NEEDED for this language: _____ By _____

(List Names of) Persons who need interpreter: Name: _____

Name: _____ Name: _____

STAFF USE ONLY: REASON FEES NOT PAID: ☐ Government Charge ☐ Deferred

NATURE OF ACTION: Place an "X" next to number which describes the nature of the case. Check only **ONE**.

200 ESTATE

- ____ 201 Formal Appointment of Personal Representative
- ____ 202 Informal Appointment of Personal Representative
- ____ 203 Ancillary Administration
- ____ 204 Affidavit of Succession to Realty
- ____ 205 Trust Administration
- ____ 206 Formal Probate of Will
- ____ 207 Informal Probate of Will
- ____ 208 Proof of Authority
- ____ 210 Other _____
- Specify
- ____ 211 Single Transaction/Limited Conservatorship
- ____ 212 Foreign Domiciliary

220 CONSERVATOR

- ____ 221 Minor
- ____ 222 Adult Incapacitated Person

230 GUARDIANSHIP

- ____ 231 Minor
- ____ 232 Adult (including those with Dementia, Alzheimer's)
- ____ 233 Adult Requiring In-Hospital Mental Health Treatment

240 GUARDIANSHIP-CONSERVATOR COMBINATION

- ____ 241 Minor
- ____ 242 Adult (including those with Dementia, Alzheimer's)
- ____ 243 Adult Requiring In-Hospital Mental Health Treatment

Case No. _____

INFORMATION ABOUT THE FIDUCIARY, **the person to serve as guardian, conservator, or personal representative (executor) of the Estate of someone who died.**

NAME: _____		DATE OF BIRTH: _____				
MAILING ADDRESS: _____						
STREET ADDRESS: (if different) _____						
TELEPHONE (Home): _____		SSN: _____				
TELEPHONE (Cellular): _____		EMAIL: _____				
TELEPHONE (Work): _____		CERTIFICATION # _____ (for State-Licensed Fiduciaries ONLY)				
RELATIONSHIP TO THE WARD OR (if an estate matter) THE DECEDENT: _____						
PHYSICAL DESCRIPTION:	RACE:		HEIGHT		WEIGHT:	
	EYE COLOR:			HAIR COLOR:		

By signing below, I state to the Court under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Petitioner or Attorney Signature

NOTICE

SUBMIT THIS FORM WITH NEW CASES ONLY.

If there is already a (Maricopa County) Probate Court case number and you are filing in an existing Superior Court case in Maricopa County, **DO NOT SUBMIT THIS FORM.**

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Estate of

Case No. PB _____

Deceased

APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR (for Funeral Arrangements) A.R.S. § 14-3614

1. My name is _____, and I hereby apply to the Court for emergency formal appointment of a Special Administrator for the estate of the above-named deceased for the express limited purpose of making funeral and disposition arrangements.
2. My relationship to the deceased is: _____
3. The deceased died on this date: (Month, Date, Year) _____
4. VENUE: The deceased was domiciled in Maricopa County in the State of Arizona, at the time of death, making this the proper venue for this request.
5. There is no Personal Representative presently qualified and acting for this Estate.
6. It is necessary that a Special Administrator be appointed to act on behalf of the Estate for the express limited purpose of making any and all funeral and burial or other disposition arrangements for the decedent's remains because there is no other authorized person who is presently willing or able to perform these duties.
7. The estimated value of decedent's property over which the Special Administrator will have control is \$ [NONE].
8. Bond is not required because the Applicant will only be authorized for the limited purpose of making funeral and disposition arrangements for the decedent.
9. I am a proper person qualified to act as Special Administrator, and I request that I, or the following named qualified person (if applicable) _____ be appointed as Special Administrator for this Estate pending the appointment of a general Personal Representative for the express and limited purpose of being granted full authority to make any and all funeral and disposition arrangements for the decedent's remains with a local funeral home, cemetery or other facility.

The information I have provided on this document is true and correct, under penalty of perjury.

DATED this _____ day of _____, 20____.

Name of Applicant

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the Estate of:

Case No. PB _____

**LETTERS OF APPOINTMENT and
ACCEPTANCE OF APPOINTMENT OF
SPECIAL ADMINISTRATOR**

Deceased

ISSUANCE OF LETTERS

_____ is hereby appointed as Special
Administrator of this estate.

The Special Administrator shall only be permitted to exercise the following powers:

- The Special Administrator is expressly authorized to make all funeral arrangements for the decedent at a local funeral home and cemetery or other facility for the disposition of remains.

The appointment shall terminate upon the earlier of the appointment of a general Personal Representative for the Estate or the completion of funeral and burial or other disposition arrangements.

Dated this _____, 20____,

Deputy Clerk of Court

ACCEPTANCE OF APPOINTMENT

I accept the duties of Special Administrator of the Estate of the above-named person who has died and affirm or swear that I will perform the duties assigned.

Signature of Special Administrator

Sworn to or affirmed before me this date: _____

Notary

Michael K. Jeanes, Clerk of Superior Court

OR

Seal/My commission expires: _____

By: _____
Deputy Clerk of Court

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the Estate of:

Case No. PB _____

Deceased.

**ORDER FOR
EMERGENCY APPOINTMENT OF
SPECIAL ADMINISTRATOR
(for FUNERAL ARRANGEMENTS)**

An Emergency Application for formal Appointment of Special Administrator has been submitted by _____ ("the Applicant") requesting appointment as the Special Administrator.

The undersigned is satisfied that the Applicant is a proper person qualified to act as Special Administrator pursuant to all applicable provisions of A.R.S. Title 14, Chapter 3, Article 6.

THEREFORE, _____ is appointed as Special Administrator of decedent's Estate, without bond, for the express limited purpose of authorizing any and all funeral and burial or other disposition arrangements for the decedent's remains with a local funeral home and cemetery or other facility.

The appointment shall terminate, in accordance with A.R.S. §14-3618, upon the earlier of the appointment of a general Personal Representative or the completion of all funeral arrangements for the decedent.

DATED this ____ day of _____, 20__.

Judicial Officer

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO AFTER COMPLETING ALL FORMS TO GET AN EMERGENCY COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR FOR FUNERAL ARRANGEMENTS

STEP 1: Make 2 copies of the following documents after you have filled them out.

- *"Application for Emergency Appointment of Special Administrator" **
- *"Letters of Appointment and Acceptance of Appointment" **

*and: Make 1 copy of the "Order Appointing Special Administrator" **

* These documents are referred to below, respectively, as:

"The Application", "Letters and Acceptance", and "Order Appointing"

STEP 2: SEPARATE YOUR DOCUMENTS INTO ONE SET of ORIGINALS, and
TWO SETS of COPIES:

SET 1 - ORIGINALS FOR CLERK OF COURT:

- *"Probate Cover Sheet"*
- *"The Application"*
- *"Letters and Acceptance"*
- *"Order Appointing"*

SET 2 - COPIES FOR YOU:

- *"The Application"*
- *"Letters and Acceptance"*
- *"Order Appointing"*

SET 3 - COPIES FOR JUDICIAL OFFICER

- *"The Application"*
- *"Letters and Acceptance"*
- *"Order Appointing"*

STEP 3: FILE THE PAPERS AT THE COURT:

GO TO THE CLERK OF COURT'S FILING COUNTER: The Court is open from 8:00 a.m.-5:00 p.m., Monday-Friday. You may file your court papers at any of the following Superior Court locations:

Downtown Phoenix - Old Courthouse

125 W. Washington Street, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex

222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032

Present the originals and both sets of copies to the Clerk at the filing counter *and pay the filing fee.* **Note that you are entitled to reimbursement from the estate of the deceased** (if funds are available) for this and other reasonable expenses incurred in performing the duties of Special Administrator **(Keep records and receipts).** A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

The Clerk will keep the originals, stamp the extra copies to show that these are copies of papers you have filed with the Court, *and return the stamped copies to you*. These stamped sets of copies are now called "conformed" copies.

STEP 4: TAKE THE CONFORMED COPIES TO COURT ADMINISTRATION, or

- Ask the Clerk at the Filing Counter to direct you to Court Administration.
- If there is no Court Administration office where you are filing these papers, ask to be directed to the appropriate location.
- Present the sets of stamped copies to Court Administration or staff at appropriate location.

WHAT COURT ADMINISTRATION (or other court staff) WILL DO:

- Attempt to locate a Judicial Officer available to hear your request *immediately*.
- Take all sets of copies or direct you to take the copies with you into a Courtroom.

STEP 5: IF THE COURT GRANTS YOUR REQUEST:

- Take the "Letters and Acceptance" to the filing counter.
- You will need to present a government-issued photo ID and to sign the "Acceptance" (on the bottom half of the "Letters and Acceptance" document) in front of the Clerk at the counter.
- The Clerk will witness your signature and issue the "Letters of Appointment".

STEP 6: PURCHASE A CERTIFIED COPY OF "THE LETTERS" TO GIVE TO THE FUNERAL HOME.

- This is proof you have been appointed by the Court and that you have the legal authority to make arrangements as described in the "Letters of Appointment".
- **There is a fee for the Certified Copy.** A list of current fees is available from the Self Service Center and from the Clerk of Court's website.